

PATENT

Attorney Docket 054824-5001-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Katherine M. Burnett *et al.*)

Application No. 10/722,134)

Art Unit: 1617)

Filed: November 26, 2003)

Examiner: Gregory Mitchell)

For: Anhydrous Topical Skin Preparations)

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

TRANSMITTAL FOR RESPONSE

1. Transmitted herewith is a Response Under 37 C.F.R. § 1.111 in response to the non-final Office Action dated June 15, 2005.
2. Additional Papers Submitted:
(i) Information Disclosure Statement
(ii) Form PTO-1449 (2 pages)
3. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicants do not believe an additional extension of time is required. However, if Applicants have inadvertently overlooked the need for an extension of time, please consider this a petition therefore. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. § 1.16 and § 1.17, or credit any overpayment to Deposit Account 50-0310.
4. Fee Calculation (37 C.F.R. § 1.16):

| CLAIMS AS AMENDED | | | | | | |
|--|-----------|-------|-----------------|-------|-------------|------------|
| | Remaining | | Previously Paid | Extra | Rate | Total Fees |
| Total Claims | 78 | minus | 20 | 58 | \$50 each= | 2,900.00 |
| Independent Claims | 3 | minus | 3 | 0 | \$200 each= | 0.00 |
| First presentation of Multiple dependent claim | | | | | \$360.00 | 360.00 |
| Sub-total = | | | | | | 3,260.00 |
| Reduction by ½ for filing by a small entity | | | | | | 0.00 |
| Total Fee = | | | | | | \$3,260.00 |

5. Fee Payment: The Commissioner is hereby authorized to charge **\$3,440.00** to Deposit Account No. 50-0310 for payment of the additional total claims fee (\$2,900.00), the first presentation of a multiple dependent claim fee (\$360.00), and the Information Disclosure Statement Fee (\$180.00).

6. Constructive Petition: Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **August 1, 2005**

Morgan, Lewis & Bockius LLP

Customer No. **09629**

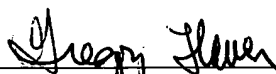
1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

202-739-3000

Respectfully submitted,

Morgan, Lewis & Bockius LLP



Gregory T. Lowen

Registration No. 46,882